

GIBSON, MCCLURE, WALLACE & DANIELS, L.L.P.
WADE L. MCCLURE (SBN: 13428700)
8080 N. Central Expressway, Suite 1300, LB50
Dallas, Texas 75206-1838
Telephone: (214) 891-8040
Facsimile: (214) 891-8010
wmccclure@gmwd.com
Attorneys for John Deckard and Peter Frankl

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

PETER FRANKL AND
JOHN DECKARD,

Case No. 3:07-MC-80195-MHP (EMC)

Plaintiffs,

(PENDING IN THE U.S. DISTRICT
COURT FOR THE NORTHERN
DISTRICT OF TEXAS 3:05-CV-1757B)
(*PRO HAC VICE*)

v.

NETOPIA, INC. AND ALAN LEFKOF,
Defendants.

**ADMINISTRATIVE MOTION TO FILE
DOCUMENT UNDER SEAL**

TO: THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

Pursuant to Civil Local Rules 7-11 and 79-5(d), Plaintiffs hereby move the Court for an Order allowing Plaintiffs to file under seal Non-Party Morrison & Foerster, LLP's privilege log.

This motion is made on the grounds that the privilege log, which was produced to Plaintiffs on August 22, 2007, is marked as confidential.

For the foregoing reason, Plaintiffs submit that good cause exists for filing of the privilege log under seal and respectfully requests that the Court so order.

**ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL
Case No. 3:07-MC-80195-MHP (EMC)**

1 Dated: September 19, 2007

GIBSON, MCCLURE, WALLACE & DANIELS, LLP

2 s/ Wade L. McClure

3 By:

Wade L. McClure
8080 N. Central Expressway
Suite 1300, LB50
Dallas, Texas 75206-1838
Telephone: (214) 891-8040
Facsimile: (214) 891-8010
wmccclure@gmwd.com

7 Attorneys for John Deckard and Peter Frankl

8
9 **PROOF OF SERVICE**

10 I am a citizen of the United States and employed in Dallas County, Texas. I am over the age
11 of eighteen and not a party to the within-entitled action. I declare that I am an attorney at law admitted
12 *pro hac vice* to practice in the Northern District of California. My business address is 8080 N.
13 Central Expressway, Suite 1300, Dallas, Texas 75206. On September 19, 2007, I caused to be served
14 by operation of the Court's electronic filing system a true and correct copy of the within document:

15 **ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL**

16 by delivering copies thereof to:

17 Roland Michael Juarez, Esq.
18 rjuarez@akingump.com

19 Service on attorney admitted *pro hac vice* for Defendant Netopia served via First Class Mail:

20 Stephanie Osteen
21 Akin Gump Strauss Hauer & Feld LLP
22 1700 Pacific Avenue
Suite 4100
Dallas, Texas 75201

23 Service on partners of Morrison & Foerster, Doug Hendricks and Craig Martin, via Email:

24 Doug Hendricks
25 dhendricks@mofo.com

Craig Martin
cmartin@mofo.com

26 Executed on September 19, 2007, at Dallas, Texas 75206.

27 s/ Wade L. McClure

28

Wade L. McClure

DECLARATION OF WADE L. MCCLURE

I, Wade L. McClure, hereby declare as follows:

1. I am an attorney at law admitted *pro hac vice* to practice in the Northern District of California and a partner in the law firm of Gibson, McClure, Wallace & Daniels, LLP, attorneys for Plaintiffs Peter Frankl and John Deckard. I have personal knowledge of the facts stated herein, and if called and sworn as a witness, I would and could testify competently under oath thereto. I submit this declaration in support of the Administrative Motion to File Document Under Seal.

2. I contacted counsel for Morrison & Foerster regarding the motion to file their privilege log under seal.

3. I also contacted counsel for Defendants and they agreed to the filing under seal of the Morrison & Foerster privilege log.

I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration consisting of three numbered paragraphs is true and correct, and is based upon personal knowledge.

Executed this 19th day of September, 2007, at Dallas, Texas.

s/ Wade L. McClure

Wade L. McClure